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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,108	06/02/2000	Neil A Willcocks	2280.2620	6805
5514	7590	11/28/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			PHAM, THIERRY L	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2624	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/587,108	WILLCOCKS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thierry L. Pham	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 31-65 and 83-87 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-65 and 83-87 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

- This action is responsive to the following communication: an Amendment filed on 11/2/05.
- Claims 31-65 and 83-87 are pending in application; Claims 1-30 and 66-82 have been canceled.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31-65, 83-87 rejected under 35 U.S.C. 103(a) as being unpatentable over Spurgeon et al (US 20020008751), and in view of Ream et al (US 6267997).

Regarding claim 31, Spurgeon discloses a system (edible food product print system, fig. 1) for enabling a user to submit an image to be printed directly on a edible food product (printer 40 for printing edible inks on edible media, fig. 1, par. 44), comprising:

- a first computer (image source 20 includes computer processing unit, fig. 1, par. 13, page 1) adapted to receive image data from the user (image source 20 receives image data from plurality of sources, i.e., scanner 22, disk drives 24, client computer, and etc, fig. 1) and communicate the image data over a network (network 10, fig. 1);
- a second computer (control unit 30, fig. 1 and also served as a server, moreover, since network 10 is a LAN, WAN, and MAN, and Internet network, plurality of computers can be interconnected, pars. 13 and 19, pages 1-2) adapted to communicate with the first computer, the second computer being adapted to receive the transmitted image data over the network (control unit 30 receives image data transmitted from image source via network 10, fig. 1); and
- an ink-jet printer (inkjet printer 40, fig. 1) adapted to receive the image data from the second computer (images can be download and/or retrieve from plurality of sources via

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the network to control unit, pars. 13 and 19, pages 1-2) and print on the edible a high quality image (high quality image, par. 12) that corresponds to the received image data.

Spurgeon discloses a printer (par. 17) for printing edible inks on an edible food product (e.g. edible media 300 as shown in figs. 19-20) and such printed edible media can be placed on the food product to be decorated such as cake, however, Spurgeon fails to teach and/or suggest a print device for printing an image directly on a confectionery product.

Ream, in the same field of endeavor for printing edible inks on an edible product, teaches a printing device (edible inks printer 24, fig. 10) for printing an image directly on a confectionery product (directly printing an image, e.g. figure 159, fig. 7, on a confectionery product such as chewing gums, chewing gum piece 156, fig. 7, abstract, col. 2, lines 13-30, col. 4, lines 8-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made by modifying decorating system of Spurgeon to include a printing device for printing an edible inks on a confectionery product as taught by Ream because of a following reason: (●) allowing the system of Spurgeon not only printing an edible inks on an edible media, but also on a confectionery products such as chewing gums for better marketing.

Therefore, it would have been obvious to combine Spurgeon with Ream to obtain the invention as specified in claim 31.

Regarding claim 32, Spurgeon further discloses a system according to Claim 31, wherein the network is the Internet (Internet network, par. 19, page 2) and the first computer is a client computer operable to run Web browser software adapted to send and receive Hypertext Markup Language (HTML) forms over the World Wide Web (download images via Internet Web Site, par. 19, page 2).

Regarding claim 33, Spurgeon further discloses a system according to Claim 31, wherein the network is a local area network (LAN, WAN, MAN, par. 19, page 2).

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Regarding claim 34, Ream further teaches a system according to claim 31, wherein the ink-jet printer prints on the confectionery product using a dispersed pigment food-grade ink to obtain a printed image having resolution greater than 200 dpi (at least 200 dpi, col. 9, lines 19-40) even if printed using a single printhead and single pass printing.

Regarding claim 35, Spurgeon further discloses ink-jet printer (par. 17, page 2) is a drop-on-demand ink-jet printer (par. 10, page 1).

Regarding claim 36, Ream further teaches wherein the printed image has a resolution between 300 and 1200 dpi (400 dpi, col. 9, lines 18-40).

Regarding claim 83, Ream further teaches a system according to claim 31, further comprising a subsystem for holding (system as shown in fig. 11) the confectionery product transiently in position for printing.

Regarding claims 37-65, and 84-87 recite limitations that are similar and in the same scope of invention as to those in claims 31-36, and 83 above; therefore, claims 37-65, and 84-87 are rejected for the same rejection rationale/basis as described in claims 31-36, and 83.

### ***Response to Arguments***

Applicant's arguments filed 11/2/05 have been fully considered but they are not persuasive.

- Regarding independent claims 31, 37, 43, 48, 54, and 60, the applicants argued the cited prior arts of record (US 2002/0008751 to Spurgeon and US 6267997 to Ream) fail to teach and/or suggest “an ink-jet printer adapted to receive the image data from the second computer and print directly on a confectionery product a high quality image that corresponds to the received image data” and argued the printer as taught by Ream can not be incorporated into a computer network for printing consumer-customized candy.

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In response, the examiner disagrees with the applicants' arguments/assertions. Spurgeon clearly teaches a printing system that allows customers to print consumer-customized on edible sheets/media (figs. 1-5) via using ink jet printing system (pars. 16-17). Also notes: Spurgeon also taught [the admitted art] the system produces the decorations and images directly onto the food product, see paragraph 008. An ink jet printing system for directly printing edible inks directly on food products are well known and also admitted by Spurgeon. The examiner relies on Ream to show such deficiency. The examiner has cited several well-known ink-jet printing systems for printing edible inks directly onto food products. Please refer to "Conclusion" section below for more details.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 6747072 to Siddiqui teaches an ink-jet printing system for printing edible inks directly onto food products (e.g. chocolate) are well known.
- US 5505775 to Kitos teaches an ink-jet printing system for printing edible inks directly onto food products (e.g. cake decorating) are well known.
- US 6230073 to Kofman et al teaches an ink-jet printing system for printing edible inks directly onto food products (chocolate, cheese, and etc) are well known.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham



GABRIEL GARCIA  
PRIMARY EXAMINER